

AN ACT to prevent the adulteration of food or drugs.

[Chapter 407, Laws of 1881.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. No person shall, within this state, manufacture, have, offer for sale, or sell any article of food or drugs which is adulterated within the meaning of this act, and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding fifty dollars for the first offence, and not exceeding one hundred dollars for each subsequent offence.

§ 2. The term "food," as used in this act, shall include every article used for food or drink by man. The term "drug," as used in this act, shall include all medicines for internal and external use.

§ 3. An article shall be deemed to be adulterated within the meaning of this act —

a. — In the case of drugs.

1. If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on Materia Medica, it differs materially from the standard of strength, quality, or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

b. — In the case of food or drink.

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of, or be sold under the name of, another article.

5. If it consists wholly or in part of a deceased or decomposed, or putrid or rotten, animal or vegetable substance, whether manufactured or not, or, in the case of milk, if it is the produce of a diseased animal.

6. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contained any added poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it: Provided, that the state board of health may, with the approval of the governor, from time to time declare certain articles or preparations to be exempt from the provisions of this act: And provided further, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, provided that the same are not injurious to health and that the articles are distinctly labelled as a mixture, stating the components of the mixture.

§ 4. It shall be the duty of the state board of health to prepare and publish from time to time, lists of the articles mixtures or compounds declared

to be exempt from the provisions of this act in accordance with the preceding section. The state board of health shall also from time to time fix the limits of variability permissible in any article of food or drug, or compound, the standard of which is not established by any national pharmacopœia.

§ 5. The state board of health shall take cognizance of the interests of the public health as it relates to the sale of food and drugs and the adulteration of the same, and make all necessary investigations and inquiries relating thereto. It shall also have the supervision of the appointment of public analysts and chemists, and upon its recommendation whenever it shall deem any such officers incompetent, the appointment of any and every such officer shall be revoked and be held to be void and of no effect. Within thirty days after the passage of this act, the state board of health shall meet and adopt such measures as may seem necessary to facilitate the enforcement of this act, and prepare rules and regulations with regard to the proper methods of collecting and examining articles of food or drugs, and for the appointment of the necessary inspectors and analysts; and the state board of health shall be authorized to expend, in addition to all sums already appropriated for said board, an amount not exceeding ten thousand dollars for the purpose of carrying out the provisions of this act. And the sum of ten thousand dollars is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purposes in this section provided.

§ 6. Every person selling or offering or exposing any article of food or drugs for sale, or delivering any article to purchasers, shall be bound to serve or supply any public analyst or other agent of the state or local board of health appointed under this act, who shall apply to him for that purpose, and on his tendering the value of the same, with a sample sufficient for the purpose of analysis of any article which is included in this act, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offense, and one hundred dollars for a second and subsequent offenses.

§ 7. Any violation of the provisions of this act shall be treated and punished as a misdemeanor; and whoever shall impede, obstruct, hinder, or otherwise prevent any analyst, inspector or prosecuting officer in the performance of his duty shall be guilty of a misdemeanor, and shall be liable to indictment and punishment therefor.

§ 8. Any acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 9. All the regulations and declarations of the state board of health made under this act, from time to time and promulgated, shall be printed in the statutes at large.

§ 10. This act shall take effect at the expiration of ninety days after it shall become a law.

STATE OF NEW YORK,
OFFICE OF THE SECRETARY OF STATE, } ss.

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this 8th day of June, in the year one thousand eight hundred and eighty-one.

ANSON S. WOOD,

Dep. Secretary of State.